

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HONG KONG UCLOUDLINK NETWORK
TECHNOLOGY LIMITED, et al.,

Plaintiffs,

v.

SIMO HOLDINGS INC., et al.,

Defendants.

Case No. [18-cv-05031-EMC](#)

**ORDER DENYING DEFENDANTS’
MOTION FOR LEAVE TO FILE
MOTION FOR RECONSIDERATION**

Docket No. 287

Skyroam has moved for leave to file a motion for reconsideration. According to Skyroam, in adjudicating its motion for summary judgment on noninfringement, there was “[a] manifest failure by the Court to consider . . . dispositive legal arguments which were presented to the Court before such interlocutory order.” Civ. L.R. 7-9(b)(3).

The Court **DENIES** the motion for leave to file a motion for reconsideration. The Court did not fail to consider Skyroam’s argument that there is no service request sent from the Accused Hotspot to the Accused Backend that contains a type of service requested by the user. *See* Docket No. 276 (Order at 18).

Moreover, even if the Court were to consider Skyroam’s motion to reconsider, the Court would still deny the motion on the merits. As an initial matter, the Court notes that Skyroam’s motion does not address points (3) and (4) in UCL’s expert’s report (*i.e.*, Dr. Mahon’s infringement report). *See* Mahon Infringement Rpt. ¶ 160. Dr. Mahon explains how there is a type of service requested in each of these instances.

As for points (1) and (2) in Dr. Mahon’s report, the Court is not persuaded by UCL’s contention that “there is no inherent requirement that the system receive ‘type of service’ . . . as

part of the ‘service request.’” Opp’n at 8. Nevertheless, UCL has demonstrated that there is a question of fact even if the service request must include the type of service requested. As UCL points out, a request for data service is a request for a type of a service. *See* Opp’n at 11. The point made by the Court in its summary judgment order was that UCL’s merits position seemed more problematic (potentially) because of the “selection” limitation. *See* Docket No. 276 (“If Skyroam’s Accused System, in fact, is not capable of providing anything but data service, then the Court would be hard pressed to see how there could be selection of a SIM based on data service or a request for data service.”).

This order disposes of Docket No. 287.

IT IS SO ORDERED.

Dated: July 30, 2021


EDWARD M. CHEN
United States District Judge